

## REMARKS/ARGUMENTS

### 1. INTRODUCTION

Claims 23-25 have been cancelled. Clarifying amendments have been made to claims 1, 2, 3, 5, 9, 10, 11, 17, 20, 21 and 22 as shown in the preceding listing of the claims, and the remaining claims remain as originally filed. Accordingly, claims 1-22 are now pending. Applicants respectfully request further examination and reconsideration of the application in view of the following arguments.

### 2. CLAIM OBJECTIONS

The Examiner has made formality based objections to claims 2, 5, 9-12 and 17-22, and clarifying amendments, as shown in the preceding claim listing, have been made to each of these claims to address the objections, with the exception of the Examiner's objection to claim 10, lines 1-2 wherein the Examiner has indicated that it is unclear as to how the recited third section relates to the transition recited in claim 9.

In this regard, Applicants submit that the existing wording of claim 10, lines 1-2 is clear, and request withdrawal of the Examiner's objections to such claim. With reference to Figure 2, by way of example, claim 9 specifies that the first section (50) is located between the first end (44) and the second section (52), and that a transition between the first section (50) and the second section (52) defines the external shoulder (48); claim 10 then specifies that a third section (54) extends from the first end (44) to the first section (50). Thus, it is clear from reading these claims 9 and 10 that in the embodiment of claim 10, the third section (54) is actually separated from the transition by the first section (50).

Accordingly, it is submitted that the present claims 2, 5, 9-12 and 17-22 overcome the objections raised by the Examiner on page 2 of the Detailed Action.

The Examiner has objected to claims 1-25 under 37 CFR 1.75(g), which states "The least restrictive claim should be presented as claim number 1. Applicants note that the cancellation of claims 23-25 may alleviate the examiner's concerns in this regard. It is also noted that 37 CFR

1.75(g) uses the auxiliary verb “should” rather than “must” and thus does not constitute an absolute requirement that claim 1 be the least restrictive claim, but rather uses language that is permissive of claims other than claim 1 being the least restrictive, and accordingly 37 CFR 1.75(g) is a statement of a desired, but not required, characteristic of the claims. In addition, Applicants are unaware of any requirement in either Chapter 600 or Chapter 2100 that mandates the ordering of claims. Accordingly, it is submitted that the present ordering of the claims is permissible under 37 CFR 1.75(g), even in the event that claim number 1 is not the least restrictive claim, and withdrawal of the Examiner’s objection is requested without any prejudice to the Applicants resulting from the present ordering of the claims.

The Examiner has objection to claims 1-25 under 37 CFR 1.75(i) which states “Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation.” It is again noted that 37 1.75(i) uses the permissive term “should” rather than “must”, but in any event, Applicants submit that as originally filed and as the claims presently stand, the elements/steps are separated by a line indentation and the Examiner’s objection in this regard should be withdrawn as it appears to have been made in error.

**3. CLAIM REJECTIONS – 35 U.S.C. § 102**

Claim 23 has been rejected under 35 U.S.C. § 102(b) as being anticipated by Usui et al.(US 4,948,180) . Claims 23-24 have been rejected under 35 U.S.C. § 102(b) as being anticipated by McNaughton et al (US 5,303,963).

Claims 23-24 have been cancelled and accordingly the rejection of such claims is no longer an issue in the present application.

**4. CLAIM REJECTIONS – 35 U.S.C. § 103**

Claims 1-25 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Olson (US 6,447,024) in view of Kaminski et al (US 20003/0168856 A1). Applicants respectfully submit that the rejection is improper because the Examiner has failed to establish a

prima facie case of obviousness with respect to these claims. Accordingly, reconsideration and withdrawal of such objection is respectfully requested.

“Patent examiners carry the responsibility of making sure that the standard of patentability enunciated by the Supreme Court and by the Congress is applied in each and every case.” MPEP § 2141 (emphasis in original).

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations.

MPEP § 2143. Applicants submit that the Examiner has failed to establish a prima facie case of obviousness with respect to pending claims 1-22.

Regarding independent claims 1, 16 and 20, the Examiner has indicated that Olson discloses a connector assembly that comprises, among other things, a retainer member (12) surrounding a portion of a male member, the retainer member including a plurality of circumferentially spaced resilient internal retainer arms each having a distal end for simultaneously engaging the male member external shoulder and the female member internal shoulder when the male member is within the female member. As the Examiner notes, Olson fails to teach an external flange. The Examiner has taken the position that that Kaminski et al teaches a pipe coupling comprising an internal cylindrical section connected by a joining member to an annular external retainer flange, the external flange being radially spaced from the internal section and having a distal end defining a radially inwardly extending protrusion for engaging the female member external shoulder. The Examiner has taken the position that In view of Kaminski et al's teaching, it would have been obvious to modify Olson to include an external flange in order to better retain the retainer member on the female member.

It is respectfully submitted that the Section 103 rejection of independent claims 1, 16 and 20 is not a proper rejection and should be withdrawn. As noted above, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion or incentive supporting the combination - obviousness is not established merely by combining references having different individual elements of pending claims. The present Section 103 rejection is based on a combination of teachings from multiple patents in an attempt to arrive at the claimed invention, however as will be explained in greater detail below, there is no teaching nor suggestion in the cited art for the combination, and thus the Section 103 rejections appear to be improperly based on hindsight reconstructions in which isolated disclosures have been picked and chosen in an attempt to deprecate the presently claimed invention.

In the connector assembly of claim 1, the retainer member includes two securing mechanisms for acting against axial separation of the male and female members: (a) internal retainer arms for simultaneously engaging the male member external shoulder and the female member internal shoulder, and (b) the external annular flange having an inwardly extending protrusion on its distal end for engaging the female member external shoulder. The external flange can also act against lateral side to side radial or rocking movement of the male member 12 relative to the female member 14, thereby reducing wear on the seal ring (see Para [0034] of application as filed). The use of two complimentary securing mechanisms such as is specified in claim 1 is neither disclosed in nor remotely suggested by the cited references.

Turning first to Olson, such reference discloses internal retainer arms for simultaneously engaging the male member external shoulder and the female member internal shoulder, however Olson includes no teaching or suggestion that would indicate that the structure disclosed in Olson needs or would benefit from an external flange having an inward protrusion for engaging an external shoulder of the female member.

Regarding Kaminski et al., it is noted that the Examiner has characterized such reference as showing a pipe coupling comprising an internal cylindrical section connected by a joining member to an annular external retainer flange, the external flange being radially spaced from the

internal section and having a distal end defining a radially inwardly extending protrusion for engaging the female member external shoulder. It is respectfully submitted that the Examiner has erroneously interpreted what is shown in Kaminski et al. and that a careful review of Keminski et al. reveals that such reference does not disclose any element that can even remotely be considered a “annular external retainer flange”. Rather, the external flange shown in Keminski et al. is part of a release element that, as its sole purpose and function, is used to release the male and female components from each other. In particular, with reference to Figures 1 and 2 of Kaminski et al., in the disclosed coupling, an internal retaining element 16 having retaining arms or sections 18 is mounted within the female member (socket housing 10). The retaining element 16 is axially fixed in place within the female member (socket housing 10), and its retaining arms 18 retain the male member (plug part 4) in place by acting against shoulder 8 (see also Para [0014] of Kaminski). In order to allow the male and female members 10, 4 to be axially separated, as discussed in Para [0015] of Kaminski et al., a “release element” 20 is secured on the outside of the socket housing 10. The release element 20 includes an inner, hollow cylindrical release section 24 for engaging displacing the retaining arms 16 of the retaining element 18 for the “purpose of releasing the locked plug part 4” (see Para 15 of Kaminski et al). It is readily apparent from a thorough review of Kaminski et al. that the release element 20 serves no function in retaining the male member to the female member, and that the latch means 22 of the release element 20 serves only to secure the release element 20 itself to the female socket housing 10. Kaminski et al. specifically requires that the outer flange of the release element 20 be axially movable relative to the female socket housing 10 while the retainer elements 16 be axially fixed to the female socket housing 10.

Thus, Keminski et al. certainly does not suggest or provide incentive that would lead a person to combine the elements of Olson and Keminski et al. in the manner suggested by the Examiner. Quite to the contrary, Kaminski et al. clearly and explicitly teaches away from such a combination because in Kaminski et al. the outer flange is part of a release element that is specifically taught as being used to displace internal retainer arms for the purpose of releasing the male plug from the female socket. Thus, combining the outer flange of release element 20 of Kaminski et al. with the retainer clip of Olson to arrive at the retainer member of claim 1 would

defeat the stated purpose of the release element 20 in Kaminski et al., which purpose specifically requires an outer flange that can be axially moved relative to the internal retainer elements.

With respect to independent claims 16 and 20, such claims are directed to subject matter that is patentable over Olson and Kaminski for similar reasons as stated above in respect of independent claim 1. With respect to the currently pending dependent claims that depend from claims 1, 16 and 20, it is submitted that in addition to depending from patentable independent claims, such dependent claims include further novel and non-obvious features.

Further, Applicant objects to the Examiner's taking of official notice of "tool openings on a flange pipe coupling component in order to facilitate removal" as improper in respect of claims 3 and 22. Applicant notes that a large number of references have been listed in the Notices of References cited and Information Disclosure Statements attached to the Office Action, yet the Examiner has not been able to identify any such references as disclosing such tool openings. Furthermore, claim 3 has been amended to clarify the structure of the openings and clarify that the openings need not be limited in function to "tool openings". By way of example the openings located near the radial joining member could be used to provide a visual check that the retainer member is correctly located relative to the end of the female member. Claim 22 has been amended to remove the limitation of the tooling openings.

Claims 24-25 has been rejected under 35 U.S.C. § 103 (a) as being unpatentable over Usui et al.(US 4,948,180). Such claims have been cancelled by the present amendment and accordingly the rejection of such claims is no longer an issue in the present application.

Claim 25 has been rejected under 35 U.S.C. § 103 (a) as being unpatentable over McNaughton et al (US 5,303,963). Such claim has been cancelled by the present amendment and accordingly the rejection of such claim is no longer an issue in the present application.

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5. **CONCLUSION**

A genuine effort to resolve all issues has been made. For at least the above cited reasons, all claims pending in this Application are now believed to be allowable. Applicants respectfully request that any questions or concerns be directed to Applicants' undersigned attorney.

Respectfully submitted,



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